



MINUTES

PUBLIC UTILITIES, ENERGY, AND TECHNOLOGY INTERIM COMMITTEE

LEGISLATURE

Wednesday, June 19, 2019 | 8:30 a.m. | 25 House Building

Members Present:

Sen. Ronald Winterton, Chair
Rep. Carl R. Albrecht, Chair
Sen. David P. Hinkins
Sen. Ralph Okerlund
Sen. Scott D. Sandall
Rep. Patrice M. Arent
Rep. Walt Brooks
Rep. Scott H. Chew
Rep. Kay J. Christofferson
Rep. Ken Ivory
Rep. Carol Spackman Moss

Rep. Marie H. Poulson
Rep. Jeffrey D. Stenquist

Members Absent:

Sen. Derek L. Kitchen
Rep. Joel Ferry
Rep. Keven J. Stratton

Staff Present:

Ms. Sarah J. Balland, Policy Analyst
Ms. Shannon C. Halverson, Associate General Counsel
Ms. Cherish Cosman, Administrative Assistant

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

Chair Winterton called the meeting to order at 8:33 a.m.

1 . Committee Business

MOTION: Rep. Chew moved to approve the minutes from the May 15, 2019, meeting. The motion passed with a vote of 9 - 0 - 7.

Yeas-9

Rep. C. Albrecht
Rep. W. Brooks
Rep. S. Chew
Rep. K. Christofferson
Sen. R. Okerlund
Rep. M. Poulson
Sen. S. Sandall
Rep. J. Stenquist
Sen. R. Winterton

Nays-0

Absent-7

Rep. P. Arent
Rep. J. Ferry
Sen. D. Hinkins
Rep. K. Ivory
Sen. D. Kitchen
Rep. C. Moss
Rep. K. Stratton

2 . Damage to Underground Utilities Facilities

[2 - General Session 2019, HB0162, Damage to Underground Facilities Amendments](#)

Rep. Handy presented the ongoing policy discussion surrounding 2019 General Session H.B. 162 with the assistance of Jason H. Robinson, Attorney, Babcock Scott, who responded to questions from the committee.

Paul Huntsman, President, Blue Stakes of Utah 811, gave an overview of Blue Stakes Utah and responded to questions from the committee.

Thad LeVar, Chair, Public Service Commission, spoke to the portion of code that the refiled bill addresses regarding utilizing litigation through the dispute board.

Rep. Albrecht recommended that the committee allow stakeholders to continue working on the refiled bill and bring it back to the committee during the 2020 General Session.



3 . Statutorily Required Report for a Large-Scale Electric Utility: Sustainable Transportation and Energy Plan (STEP)

[3 - STEP Program Status Report](#)

Jon Cox, Vice President of Government Affairs, Rocky Mountain Power, presented the statutorily required STEP report under the Utah Code Section 54-20-105, briefing the committee on the Coal Risk Mitigation Fund, the corporation's energy balancing account, the renewable energy tariff for qualified customers under Schedule 34, and the STEP Pilot Program, and responded to questions from the committee.

4 . The Public Utility Regulatory Policies Act (PURPA) and Utah

[4 - Public Utility Regulatory Policies Act of 1978, Rocky Mountain Power](#)

Mark Tourangeau, Vice President of Customer Solutions, Rocky Mountain Power, presented an overview of the Public Utilities Regulatory Policy Act of 1978 (PURPA), impacts it has on customers and prices, how federal and state responsibilities intersect, and responded to questions from the committee.

Clay MacArthur, Vice President, Deseret Power, presented an overview of Deseret Power and how electric cooperatives operate under PURPA.

Kelly Francone, Executive Director, Utah Association of Energy Users, expressed support for PURPA in increasing competitive options for customers.

Thad LeVar, Chair, Public Service Commission, spoke to rate-payer indifference, PURPA's integration into the Utah Code, and responded to questions from the committee.

5 . The Public Utility Regulatory Restricted Account

Chris Parker, Director, Utah Division of Public Utilities (DPU), Utah Department of Commerce, presented on the Public Utility Regulatory Fund (PURF), which funds DPU's, the Office of Consumer Services', and the Public Service Commission's regulatory activities concerning Utah's utilities, and responded to questions from the committee.

Kira M. Slawson, Legal Counsel, Utah Rural Telecom Association (URTA), explained URTA's support of parity when applying regulatory fees between telecommunications utilities and non-utility wireless providers that also provide telecommunications services, and responded to questions from the committee.

Jennifer Somers, Director of Government Affairs, CenturyLink, presented the changes in the telecommunications market and provided general background on the PURF as potential options for the committee to consider.

MOTION: Rep. Christofferson proposed that the Legislative Auditor General audit the PURF and report to the committee with further information for the committee to discuss in time for the 2020 General Session.

MOTION: Sen. Hinkins moved to request that the chairs send a written request for an audit of the PURF to the Legislative Audit Committee; Rep. Christofferson accepted the substitute motion in place of his original motion. The motion passed with a vote of 13 - 0 - 3.

Yeas-13

Rep. C. Albrecht
Rep. P. Arent
Rep. W. Brooks
Rep. S. Chew
Rep. K. Christofferson
Sen. D. Hinkins
Rep. K. Ivory
Rep. C. Moss
Sen. R. Okerlund
Rep. M. Poulson
Sen. S. Sandall
Rep. J. Stenquist
Sen. R. Winterton

Nays-0Absent-3

Rep. J. Ferry
Sen. D. Kitchen
Rep. K. Stratton

Sen. Hinkins asked for opinion regarding the audit action and Chris Parker responded.

Kelly Francone, Executive Director, Utah Association of Energy Users, reflected on the discussion and impacts that the current funding shortfall has on all regulatory organizations.

MOTION: Sen. Hinkins moved to not have an audit on the PURF at this time due to lack of time and general committee understanding on the issue. The motion passed with a vote of 11 - 2 - 3.

Yeas-11

Rep. C. Albrecht
Rep. P. Arent
Rep. W. Brooks
Rep. S. Chew
Sen. D. Hinkins
Rep. C. Moss
Sen. R. Okerlund
Rep. M. Poulson
Sen. S. Sandall
Rep. J. Stenquist
Sen. R. Winterton

Nays-2

Rep. K. Christofferson
Rep. K. Ivory

Absent-3

Rep. J. Ferry
Sen. D. Kitchen
Rep. K. Stratton

Chair Winterton updated the committee on committee bill files opened by the chairs and committee discussion followed.

MOTION: Sen. Hinkins moved to adjourn. The motion passed with a vote of 13 - 0 - 3.

Yeas-13

Rep. C. Albrecht
Rep. P. Arent
Rep. W. Brooks
Rep. S. Chew
Rep. K. Christofferson
Sen. D. Hinkins
Rep. K. Ivory
Rep. C. Moss
Sen. R. Okerlund
Rep. M. Poulson
Sen. S. Sandall
Rep. J. Stenquist
Sen. R. Winterton

Nays-0Absent-3

Rep. J. Ferry
Sen. D. Kitchen
Rep. K. Stratton

Chair Winterton adjourned the meeting at 11:02 a.m.